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March 21, 2007

### **BY E-FILE**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
Lockbox 27  
Wilmington, DE 19801

Re: Enders/Maden v. Super Fresh, C.A. 05-669-JJF

Dear Judge Farnan:

On March 8, 2007, Your Honor issued an Order in the above-referenced matter regarding the current summary judgment briefing schedule. (D.I. 45). Defendant Super Fresh submitted its Motion for Summary Judgment and supporting Opening Brief on February 15, 2007. (D.I. 43, 44). Plaintiff's Answering Brief was due by March 5, 2007. (D.I. 40).

Plaintiff failed to file a response by this date. Your Honor ordered Plaintiff to submit a response, if any, on or before March 14, 2007. (D.I. 45). That deadline has passed without any submissions by Plaintiff.

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On March 12, 2007, Defendant submitted a request via letter in which it asked the Court to postpone the pretrial hearing currently scheduled for April 3, 2007. (D.I. 46). Due to the limited time available for the parties to confer and prepare their pretrial submissions, Defendant now respectfully resubmits this request and asks the Court to consider delaying the pretrial hearing until Your Honor has had an opportunity to decide the pending Motion for Summary Judgment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "MMDiBi".

Margaret M. DiBianca

MMD:y

cc: Judy Enders/Maden